

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALBERT KEYES,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Case 3:19-CV-2004-B-BK
	§	
WELLS FARGO BANK NATIONAL	§	
ASSOCIATION, ET AL.,	§	
Defendants.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge issued findings, conclusions and a recommendation in this case. Plaintiff filed a letter objection along with unspecified discovery matters.

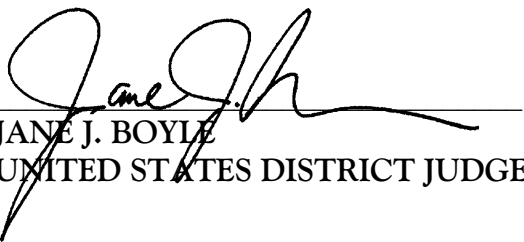
On October 29, 2019, the Magistrate Judge recommended that this case be dismissed for failure to comply with the Court's deficiency order, which required Plaintiff to file an amended motion to proceed *in forma pauperis* and provide additional details about his current employment, home value, mortgage, and average monthly income and expenses. In his November 8, 2019 objection , Plaintiff complains only about his underlying claims. He does not provide any supplemental information about his financial circumstances or file an amended motion to proceed *in forma pauperis*. He also does not explain his failure to comply with the deficiency order.

Having made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made, Plaintiff's objection is overruled. The Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for failure to comply with a court order and for want of prosecution. See FED. R. CIV. P. 41(b). Plaintiff's September 17, 2019 motion to proceed *in forma pauperis* is DENIED.

The Court prospectively certifies that any appeal of this action would not be taken in good faith. See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the Court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation. See *Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).¹

SO ORDERED this 13th day of December, 2019.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.